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the railway problem which recognizes that rate-making is, from its very nature, and in view of the relation which it holds to the industrial, political and social development of the nation, a public question, and which recites in support of such a proposition the fact that the location of railway lines and the schedule of transportation charges are the controlling factors in the determination of market conditions. I much prefer the definition of Professor Hugo R. Meyer, who says: "The problem of the public regulation of railway rates is threefold. It involves, first, the published rates; secondly, the question of the reasonableness of rates per se; and lastly, the question of the relative reasonableness of rates." The first and the second of the above points Professor Meyer passes over without discussion, and it would not be a bad idea for one to accept Professor Parsons's treatise as a substitute for what Professor Meyer has omitted. The third of the above points Professor Meyer explains as follows: The question at issue, he says, is whether or not "the government should exercise the power to prescribe railway rates for the purpose of guaranteeing the relative reasonableness of the rates made by the railways leading from rival producing and distributing centers to common markets and to rival markets." Such a statement of the question at issue offers the opportunity for profound discussion.

Possibly it may be regarded as unfair to criticize Professor Parsons for dealing with one only of the elements of the railway problem. The justification for such a criticism is the title which he has chosen for his treatise. I cannot think that discriminations, however odious they may be, constitute the "heart" of the railway problem. If this be held in mind, the book may be read with interest and profit. The spirit in which it is written finds ready response on the part of those who believe in effective government regulation over railways. It stops short, however, of a consideration of what, in the opinion of many, is coming to be regarded as essential to the perpetuation of republican government in the United States, namely, the establishment of administrative machinery and the development of administrative law with a clearly defined jurisdiction of their own. As long as the railroad problem is confined to the problem of discrimination the courts will continue to hold governmental supervision within the narrow limits of established legal rules; if, however, the railroad problem is defined as a problem of public policy, if the question of relative reasonableness of rates, as distinct from the absolute reasonableness of a rate, be regarded as the heart of the railroad problem, this problem will take upon itself a form as broad as the interests involved. Nothing short of this can be a satisfactory statement of the problem.

HENRY C. ADAMS.

WALD'S *POLLOCK ON CONTRACTS*, Third Edition. By Samuel Williston, Weld Professor of Law in Harvard University. New York: Baker, Voorhis and Company, 1906, pp. cliv, 985.

The work of Sir Frederick Pollock in the field of contract law has been of great value to the jurisprudence of England and America, and Mr. Wald's edition of *Pollock on Contracts*, published in 1885, has long been recognized as one of the best examples of book editing done in this country.

In 1902 Mr. Wald died, and his manuscript notes for a third edition were

turned over to Samuel Williston, Professor of Law at Harvard, for revision and additions. As a result we have another good book on the subject. The notes are full and some eight thousand cases are cited in support of the text and the notes.

Sir Frederick Pollock's book does not treat of some subjects of the Law of Contract in the entirety, and Professor Williston has, for this reason, written fully on the discharge of contracts, on promises for the benefit of third persons, and on the repudiation of contracts. These chapters contributed by the editor are along the scientific lines peculiar to the author and add much to the strength of the book for the practitioner and the student.

The publishers have done their work well. The page is good to look on, and the volume is not too bulky for convenient handling, although it contains over eleven hundred pages. When open, the volume has the merit of staying put, without the aid of paper weights. JEROME C. KNOWLTON.

SUBJECT INDEX OF LAW ADDITIONS, Jan. 1, 1894-Dec. 31, 1903. New York State Library Bulletin 98, Additions 5. Albany: State Education Department, 1905, pp. 137-402.

Book production is increasing so rapidly that every reader must appreciate each device which serves to lighten labor and save time in his research.

The Subject Index of Law Additions, recently issued by the New York State Library, covering the 21,184 volumes acquired during ten years, is of assistance to lawyer, student and librarian alike, and is a welcome supplement to the two volumes, 1882 and 1883 to 1893 which preceded it.

Unquestionably the demands upon libraries vary with the conditions under which books are used and the classes of persons using them. The most carefully made index is unintelligible to many would-be users and cross-references cannot be interspersed too freely.

How often a librarian is told, for example, that there is nothing in the catalogue on "Instructions to the Jury," because no entry has been made under *Instructions*, and the average student does not look under "Juries" or "Charges."

Again, the term "Extraordinary Legal Remedies" has come to be well known and frequently used, and while the practicing lawyer will in all probability turn to "Remedies" or the more specific headings, "Mandamus," "Quo Warranto," etc., the student or non-professional reader might need the assistance of a cross-reference entry from the general to the special heading. The subject of "Hearsay" is one of importance and certainly deserves a place in every legal index.

The omission of the above mentioned terms from all three volumes of the Subject Index would indicate to some persons that there is nothing on these subjects in the New York State Library.

Then, too, under certain conditions it is advantageous to enter all literature pertaining to a state or country under its name with appropriate subheadings, thus bringing all practice books as well as reports, digests, statutes, and session laws into a classification by states and countries.

To the lawyer it is not so much a question of practice in general as of practice in a particular state. Similarly, a person does not care so much